

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Figure 3. This replacement sheet replaces the original sheet that includes Figure 3. In Figure 3, extraneous character “1” is deleted.

Attachment: Replacement Sheet.
Annotated Sheet Showing Changes.

REMARKS/ARGUMENTS

Amendments are made to the Specification to clarify the Specification. No new matter is added by any of the amendments to the Specification.

Amendments are made to the drawings to clarify the drawings. No new matter has been added by any of the amendments to the drawings.

Claims 1-77 are pending in the present application. Claims 1, 6, 8-10, 12-16, 18, 21, 25, 26, 29, 34, 36-38, 40-44, 46, 49, 53, 54, 57-60, 63-69, and 72-77 are amended. Support for the amendments to the claims may at least be found in the Specification on page 3, paragraph [0007], page 8, paragraph [0025], pages 10-11, paragraph [0033], page 11, paragraph [0035], and page 15, paragraphs [0051]-[0052] and in Figures 4-5, all elements.. As a result, no new matter is added by any of the amendments to the claims. Reconsideration of the claims is respectfully requested.

In this Amendment, Applicants amended claims 1, 6, 8-10, 12-16, 18, 21, 25, 26, 29, 34, 36-38, 40-44, 46, 49, 53, 54, 57-60, 63-69, and 72-77 in this application. Applicants are not conceding in this application that the subject matter encompassed by the earlier presented claims is not patentable over the art cited by the Examiner. The present claim amendments in this Amendment are solely to facilitate expeditious prosecution of this application. Applicants respectfully reserve the right to pursue these claims and additional claims in one or more continuations and/or divisional applications.

I. Telephonic Interview with Examiner Fleischer on March 3, 2009

Applicants thank Examiner Mark A. Fleischer for the courtesy extended to Applicants' representative during the March 3, 2009 telephonic interview. During the teleconference, the Examiner and Applicants' representative discussed proposed amendments to the claims to overcome claim objections and claim rejections under §§ 101 and 112. The Examiner appeared to indicate that the amended claim language contained in this Response to Office Action would overcome the claim objections and claim rejections under §§ 101 and 112. In addition, the Examiner and Applicants' representative discussed whether Ruiz was a valid prior art reference in this case. The Examiner provided additional information via e-mail regarding the publication date of the Ruiz reference.

II. Objection to Drawings, Figure 3

The Examiner objects to Figure 3 under 37 C.F.R. § 1.84(p)(4) because “...reference character ‘1’ has been used to designate several of the items in Figure 3.” Office Action dated December 17, 2008, page 2, item 7. In response, Figure 3 is amended to delete extraneous character “1.” Therefore, the objection to Figure 3 under 37 C.F.R. § 1.84(p)(4) has been overcome.

III. Objection to the Specification, Abstract

The Examiner objects to the Abstract under MPEP § 608.01(b) because the Abstract “...exceeds the length requirements....” Office Action dated December 17, 2008, page 3, item 8. In response, the Abstract is amended so that the length does not exceed the 150 word limit set out in MPEP § 608.01(b). Therefore, the objection to the Abstract has been overcome.

IV. Objection to the Claims, Claim 16

The Examiner objects to claim 16 because of informalities. In objecting to the claim, the Examiner states that “...the phrase ‘the comprising...’ should read ‘the method comprising....’” Office Action dated December 17, 2008, page 4, item 9. In response, claim 16 is amended to recite “...the method comprising...” in accordance with the Examiner’s recommendation. Therefore, the objection to claim 16 has been overcome.

V. Objection to the Claims, Claims 12, 13, 40, and 41

The Examiner objects to claims 12, 13, 40, and 41 under 37 C.F.R. 1.45(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In objecting to the claims, the Examiner states, “Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.” Office Action dated December 17, 2008, page 4, item 10. In response, claims 12, 13, 40, and 41 are amended to place the claims in proper dependent form. Therefore, the objection to claims 12, 13, 40, and 41 has been overcome.

VI. 35 U.S.C. § 112, Second Paragraph, Claims 1-77

The Examiner rejects claims 1-77 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

Specifically, independent claims 1, 16, 21, 29, 44, 49, 57, 58 and 59 recite a formula f that takes real-valued arguments (as noted below in the following rejections) where the formula is only symbolically indicated and the number of parameters is uncertain. This functional form could be any function, step or otherwise, and hence, is *prima facie* vague and indefinite as one of ordinary skill in the art would not be able to determine the scope of the invention as the formula itself is not indicated and presented only in abstract form. The remaining claims are dependent on these claims and so are also vague and indefinite.

Office Action dated December 17, 2008, page 4, item 12.

In response, independent claims 1, 16, 21, 29, 44, 49, 57, 58, and 59 are amended to delete "formula f ." As a result, the rejection of independent claims 1, 16, 21, 29, 44, 49, 57, 58, and 59 under 35 U.S.C. § 112, second paragraph, has been overcome. The rejection of the remaining dependent claims under 35 U.S.C. § 112, second paragraph, also has been overcome at least by virtue of their dependence on independent claims 1, 16, 21, 29, 44, and 49.

VII. 35 U.S.C. § 112, Second Paragraph, Claims 10, 14, 15, 18, 38, 42, 43, and 46

The Examiner rejects claims 10, 14, 15, 18, 38, 42, 43, and 46 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

Claims 10, 14, 15, 18, 38, 42, 43, and 46 recite "depends on a number ..." and in some of these claims further recites "number of distinct results generated and saved." wherein the terms "distinct results" is vague and indefinite and neither the specification nor the claims themselves provide any meaning as to what is meant by these terms. Thus, the determination of the metric M which "depends" on such elements is vague and indefinite as the manner in which the value is to be calculated is also vague and indefinite.

Office Action dated December 17, 2008, page 4, item 13.

In response, claims 10, 14, 15, 18, 38, 42, 43, and 46 are amended to recite “one or more” instead of “a number.” In addition, claims 10, 14, 15, 38, 42, and 43 are amended to delete the term “distinct.” Therefore, the rejection of claims 10, 14, 15, 18, 38, 42, 43, and 46 under 35 U.S.C. § 112, second paragraph, has been overcome.

VIII. 35 U.S.C. § 112, Second Paragraph, Claims 1, 16, 25, 26, 29, 44, 49, 53, 54, and 57-59

The Examiner rejects claims 1, 16, 25, 26, 29, 44, 49, 53, 54, and 57-59 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

Claims 1, 16, 20, 25, 29, 44, 49, 53, 54, 57, 58 and 59 recite “X denotes zero or more additional parameters” and is *prima facie* vague and indefinite. Moreover, claims 25, 26, 53 and 54 follow the aforementioned phrase with the subsequent phrase “include a parameter...” and is therefore inconsistent with the possible zero number of parameters. Thus, zero or more parameters cannot also entertain the definite inclusion of a parameter such as “number of available features”. This inconsistency therefore renders these claims vague and indefinite.

Office Action dated December 17, 2008, page 5, item 14.

In response, claims 1, 16, 29, 44, 49, and 57-59 are amended to recite “specified additional parameters” instead of “X denotes zero or more additional parameters.” In addition, claims 25, 26, 53, and 54 are amended to recite “...wherein the specified additional parameters include a specified parameter...” Therefore, the rejection of claims 1, 16, 25, 26, 29, 44, 49, 53, 54, and 57-59 under 35 U.S.C. § 112, second paragraph, has been overcome.

IX. 35 U.S.C. § 101, Claims 1-77

The Examiner rejects claims 1-77 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states, “Based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a §101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing.” Office Action dated

December 17, 2008, page 5, item 16. In response, independent claims 1, 16, 21, 29, 44, 49, 57, 58, and 59 are amended to recite a processor, an input device, and an output device to tie the process to another statutory class, such as a particular apparatus. As a result, independent claims 1, 16, 21, 29, 44, 49, 57, 58, and 59 recite statutory subject matter. Therefore, the rejection of claims 1, 16, 21, 29, 44, 49, 57, 58, and 59 under 35 U.S.C. § 101 has been overcome. The rejection of the remaining dependent claims under 35 U.S.C. § 101 also has been overcome at least by virtue of their dependence on independent claims 1, 16, 21, 29, 44, and 49.

X. 35 U.S.C. § 103, Obviousness, Claims 1-7, 16-22, 29-35, 44, 45, 49, 50, and 57-59

The Examiner rejects claims 1-7, 16-22, 29-35, 44, 45, 49, 50, and 57-59 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Halbout et al.*, U.S. Patent No. 6,978,257 (“Halbout”) in view of *Wachtel*, U.S. Patent No. 6,847,974 (“Wachtel”) and further in view of *Ruiz, et al.*, “A proposal of a Software Measurement Ontology” (“Ruiz”). This rejection is respectfully traversed.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For an invention to be *prima facie* obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). In this case, the Examiner has not met this burden because all of the recited features of the claims are not found in the cited prior art references as believed by the Examiner. Therefore, the combination of Halbout, Wachtel, and Ruiz does not teach or suggest the presently claimed invention recited in the claims.

As amended, claim 1 recites “receiving...a quantity equal to a number of asset constructs required to represent the enterprise data assets, a quantity equal to a number of mapping constructs required to represent the mappings between the enterprise data assets and the ontology model, and a quantity equal to a number of model constructs required to generate the ontology model....” Applicants agree with the Examiner that Halbout does not specifically teach “...receiving...a quantity of distinct asset constructs, ...a quantity of distinct mapping constructs, ...and...a quantity of distinct model constructs....” Office Action dated December 17, 2008, page 7. Therefore, Halbout does not teach or suggest the above-recited features in amended claim 1.

The Examiner cites Wachtel, column 3, line 53 as teaching “...ontological relationships between semantic constructs...” and the abstract as teaching “...various ‘structures’ which also corresponds to *constructs*...” Office Action dated December 17, 2008, page 7. Wachtel, column 3, lines 53-54 teaches “...an ontology relationship between semantic constructs and their associated logical search objects in an ontology....” Wachtel, abstract teaches that “...semantic objects are grouped into larger semantic structures....” However, Wachtel makes no reference to a number of semantic constructs required to represent enterprise data assets. In contrast, amended claim 1 recites “receiving...a quantity equal to a number of asset constructs required to represent the enterprise data assets....” Therefore, Wachtel does not teach or suggest this recited feature.

The Examiner cites Wachtel, column 9, line 5 as teaching “...a model...” and column 12, line 20 as teaching “...a plurality of models....” Office Action dated December 17, 2008, page 7. Wachtel, column 9, line 5 teaches “...a security model that protects data....” Wachtel, column 12, line 20 teaches an “...intelligent data assimilation system model....” However, Wachtel makes no reference to a number of semantic constructs required to generate the security model or the intelligent data assimilation system model. In contrast, amended claim 1 recites “receiving...a quantity equal to a number of model constructs required to generate the ontology model....” Therefore, Wachtel does not teach or suggest this recited feature either.

The Examiner cites Wachtel, column 6, line 27 as teaching “an ontology designer’ that encompasses methods to map data, hence corresponds to a number of mapping constructs.” Office Action dated December 17, 2008, page 7. Wachtel, column 6, lines 27-29 teaches that “...[a]n ontology designer...is used to create the data mapping of data from a data provider into an intelligent data assimilation system ontology.” However, Wachtel makes no reference to a number of semantic constructs required to represent mappings between the data from the data provider and the intelligent data assimilation system ontology. In contrast, amended claim 1 recites “receiving...a quantity equal to a number of mapping constructs required to represent the mappings between the enterprise data assets and the ontology model....” Therefore, Wachtel does not teach or suggest this recited feature either.

Moreover, amended claim 1 recites “calculating...a metric of complexity for the enterprise information resource management system having a maximum capacity corresponding to a sum of the quantity of asset constructs, the quantity of mapping constructs, and the quantity

of model constructs, wherein the metric of complexity is calculated based on a function value of the quantity of asset constructs, the quantity of mapping constructs, and the quantity of model constructs and specified additional parameters.” Applicants agree with the Examiner that neither Halbout nor Wachtel specifically teach “...evaluating a metric of complexity, denoted by M , for the enterprise information resource management system having a capacity corresponding to C_{ASSET} , $C_{MAPPING}$, C_{MODEL} , wherein the metric of complexity is evaluated according to a formula

$$M = f(C_{ASSET}, C_{MAPPING}, C_{MODEL}, X),$$

where f is a real-valued function of three or more real-valued parameters and X denotes zero or more additional parameters...” Office Action dated December 17, 2008, page 8. Therefore, neither Halbout nor Wachtel teach or suggest the above-recited features in amended claim 1.

The Examiner cites Ruiz, page 2 as teaching the “...use of metrics for software measurement ontologies and associates them with number of lines of source code and related elements...,” page 6 as teaching “...’size’ as it is related to software complexity...,” and page 9 as describing “...a formula for obtaining the value of the metric.” Office Action dated December 17, 2008, page 8. Even though Ruiz may teach metrics for software measurement, Ruiz does not teach or suggest a metric for the number of constructs required to represent data assets, a metric for the number of constructs required to represent mappings between the data assets and an ontology model, or a metric for the number of constructs required to generate the ontology model. In contrast, amended claim 1 recites “...a quantity equal to a number of asset constructs required to represent the enterprise data assets, a quantity equal to a number of mapping constructs required to represent the mappings between the enterprise data assets and the ontology model, and a quantity equal to a number of model constructs required to generate the ontology model...” Therefore, Ruiz does not teach or suggest these above-recited features.

Further, because Ruiz does not teach or suggest a metric for the number of constructs required to represent data assets in an enterprise, a metric for the number of constructs required to represent mappings between the data assets and an ontology model, and a metric for the number of constructs required to generate the ontology model, Ruiz cannot teach or suggest a software application having a maximum capacity corresponding to the sum of such metrics. Also, Ruiz cannot teach or suggest that a metric of complexity for the software application is calculated based on a function value of such metrics and specified additional metrics. In contrast, amended claim 1 recites “calculating...a metric of complexity for the enterprise

information resource management system having a maximum capacity corresponding to a sum of the quantity of asset constructs, the quantity of mapping constructs, and the quantity of model constructs, wherein the metric of complexity is calculated based on a function value of the quantity of asset constructs, the quantity of mapping constructs, and the quantity of model constructs and specified additional parameters.” Therefore, Ruiz does not teach or suggest these features either.

Furthermore, amended claim 1 recites “inputting...the calculated metric of complexity into a transaction processing system, wherein the transaction processing system determines a price for a licensing transaction for the enterprise information resource management system using the calculated metric of complexity.” Applicants agree with the Examiner that “...neither Halbout, Wachtel nor Ruiz teach methods for software licensing *per se*....” Office Action dated December 17, 2008, page 8. Therefore, Halbout, Wachtel, and Ruiz do not teach or suggest the above-recited features in amended claim 1.

The “Examiner takes **Official Notice** that it is...old and well-known as well as common place in the business management arts that licensing of property is based on the value-added expected to the licensee. Moreover, any entity that sought to determine licensure valuation would of necessity seek to determine the valuation of such information assets.” Office Action dated December 17, 2008, page 8. Applicants respectfully traverse the Official Notice and request that the Examiner provide either a prior art reference or an affidavit in support of the Official Notice. The Examiner must rely on a reference for describing the level of ordinary skill. *In re Pardo*, 684 F.2d 912 (C.C.P.A. 1982). If Applicants traverse such an assertion, the Examiner should cite a reference in support of his position. *In re Malcolm*, 129 F.2d 529 (C.C.P.A. 1942) and MPEP § 2144.03. Moreover, if the Examiner is basing the rejection on facts within the Examiner’s own personal knowledge, Applicants respectfully request that the Examiner comply with 37 C.F.R. § 1.104(d)(2) and provide support for the Examiner’s argument in the form of an affidavit “subject to contradiction or explanation” by affidavits of the Applicants or other persons. 37 C.F.R. § 1.104(d)(2).

Applicants respectfully submit that determining a price for a licensing transaction using the “calculated metric of complexity” as recited in amended claim 1 was not common knowledge at the time of the present invention because this was a problem with the prior art that Applicants were endeavoring to solve. [See Specification, pages 1-2, paragraphs [0003] and [0005]]. In

other words, Applicants were utilizing the “calculated metric of complexity,” as calculated by the method recited in claim 1, to overcome problems associated with the prior art in determining a price for licensing software. As discussed above, the prior art references cited by the Examiner do not teach or suggest these recited features. Therefore, Applicants traverse the Official Notice and respectfully submit that these features were not old and well-known at the time of the present invention.

As a result, the combination of Halbout, Wachtel, and Ruiz does not teach or suggest all features recited in amended claim 1 of the present invention. Accordingly, the Examiner has not established a *prima facie* case of obviousness based on the prior art. Amended independent claim 1 is representative of amended independent claims 16, 21, 29, 44, 49, and 57-59 with regard to similarly recited subject matter. Thus, the rejection of independent claims 1, 16, 21, 29, 44, 49, and 57-59 as being unpatentable over Halbout, in view of Wachtel, and further in view of Ruiz has been overcome.

In view of the arguments above, amended independent claims 1, 16, 21, 29, 44, 49, and 57-59 are in condition for allowance. Claims 2-7, 17-20, 22, 30-35, 45, and 50 are dependent claims depending on independent claims 1, 16, 21, 29, 44, and 49, respectively. Consequently, claims 2-7, 17-20, 22, 30-35, 45, and 50 also are allowable, at least by virtue of their dependence on allowable claims.

Therefore, the rejection of claims 1-7, 16-22, 29-35, 44, 45, 49, 50, and 57-59 under 35 U.S.C. § 103(a) has been overcome.

XI. 35 U.S.C. § 103, Obviousness, Claims 8-15, 18-20, 23, 24, 36-43, 46-48, 51, and 52

The Examiner rejects claims 8-15, 18-20, 23, 24, 36-43, 46-48, 51, and 52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Halbout, in view of Wachtel, and in view of Ruiz as applied to claims 6 and 34 above, and further in view of *Venkatraman et al.*, U.S. Patent No. 7,302,410 (“Venkatraman”). This rejection is respectfully traversed.

As shown in Section X above, the combination of Halbout, Wachtel, and Ruiz does not teach or suggest all claim limitations as recited in amended independent claims 1, 16, 21, 29, 44, and 49 of the present invention. These recited claim limitations not taught or suggest by the Halbout, Wachtel, and Ruiz references in Section X above, also are not taught or suggested by the Venkatraman reference nor does the Examiner cite to any section of the Venkatraman

reference that allegedly does so. The Examiner only relies on the Venkatraman reference as teaching “...an econometric model that uses...step functions...” with regard to the limitations recited in claims 8, 9, 36, and 37. Office Action dated December 17, 2008, pages 11-13. Therefore, the Venkatraman reference fails to cure the deficiencies of the Halbout, Wachtel, and Ruiz references.

As a result, the combination of Halbout, Wachtel, Ruiz, and Venkatraman does not teach or suggest all features recited in amended independent claims 1, 16, 21, 29, 44, and 49. Thus, amended independent claims 1, 16, 21, 29, 44, and 49 are in condition for allowance. Claims 8-15, 18-20, 23, 24, 36-43, 46-48, 51, and 52 are dependent claims depending on independent claims 1, 16, 21, 29, 44, and 49, respectively. Consequently, claims 8-15, 18-20, 23, 24, 36-43, 46-48, 51, and 52 also are allowable, at least by virtue of their dependence on allowable claims. Furthermore, these dependent claims also contain additional features not taught by Halbout, Wachtel, Ruiz, and Venkatraman.

For example, amended dependent claim 12, which is representative of amended dependent claim 40 with regard to similarly recited subject matter, recites “...generating SQL queries for data query tasks.” Applicants agree with the Examiner that “Halbout does not specifically teach...the results include SQL queries....” Office Action dated December 17, 2008, page 13. Therefore, Halbout does not teach or suggest the above-recited features of amended dependent claims 12 and 40.

The Examiner cites Wachtel, column 16, line 43 as teaching “...SQL queries.” Office Action dated December 17, 2008, page 13. Even though Wachtel may teach SQL queries, Wachtel does not teach or suggest that the intelligent data assimilation system generates the SQL queries for data query tasks. Therefore, Wachtel does not teach or suggest the above-recited features of amended dependent claims 12 and 40 either.

The “...Examiner takes **Official Notice** that it is old and well-known as well as common place in the information processing arts to use various SQL queries in the processing of desired results and that the technical capability for performing such transformations existed at the time of the invention and the resulting benefit and/or combination was predictable.” Office Action dated December 17, 2008, page 14. Applicants respectfully traverse the Official Notice and request that the Examiner provide either a prior art reference or an affidavit in support of the Official Notice.

Applicants respectfully submit that generating SQL queries for data query tasks by the enterprise information resource management system as recited in amended claims 12 and 40 was not common knowledge at the time of the present invention because this was a problem with the prior art that Applicants were endeavoring to solve. In other words, Applicants were using the enterprise information resource system to generate SQL queries to perform data query tasks to overcome problems associated with the prior art in determining a price for licensing software. As discussed above, the prior art references cited by the Examiner do not teach or suggest these recited features. Therefore, Applicants traverse the Official Notice and respectfully submit that these features were not old and well-known at the time of the present invention.

As a further example, amended dependent claim 13, which is representative of amended dependent claim 41 with regard to similarly recited subject matter, recites “...generating XSLT scripts for data transformation tasks.” Applicants agree with the Examiner that “Halbout does not specifically teach these limitations....” Office Action dated December 17, 2008, page 14. Therefore, Halbout does not teach or suggest the above-recited features of amended dependent claims 13 and 41.

The Examiner cites Wachtel, column 2, line 31 as teaching the “...use of XML for data structures and typing.” Office Action dated December 17, 2008, page 14. Even though Wachtel may teach the use of XML documents, Wachtel does not teach or suggest that the intelligent data assimilation system generates XSLT scripts for data transformation tasks. Therefore, Wachtel does not teach or suggest the above-recited features of amended dependent claims 13 and 41 either.

The “Examiner takes **Official Notice** that it is old and well-known as well as common place in the data processing arts to utilize methods to translate one data type or structure into another data type or structure such as by using XSLT scripts for use with XML data.” Office Action dated December 17, 2008, page 14. Applicants respectfully traverse the Official Notice and request that the Examiner provide either a prior art reference or an affidavit in support of the Official Notice.

Applicants respectfully submit that generating XSLT scripts for data transformation tasks by the enterprise information resource management system as recited in amended claims 13 and 41 was not common knowledge at the time of the present invention because this was a problem with the prior art that Applicants were endeavoring to solve. In other words, Applicants were

using the enterprise information resource system to generate XSLT scripts for data transformation tasks to overcome problems associated with the prior art in determining a price for licensing software. As discussed above, the prior art references cited by the Examiner do not teach or suggest these recited features. Therefore, Applicants traverse the Official Notice and respectfully submit that these features were not old and well-known at the time of the present invention.

Furthermore, amended dependent claim 14, which is representative of amended dependent claim 42 with regard to similarly recited subject matter, recites that “...the enterprise information resource management system generates report scripts for producing reports....” Applicants agree with the Examiner that “[n]either Halbout nor Wachtel specifically teach these limitations....” Office Action dated December 17, 2008, page 14. Therefore, neither Halbout nor Wachtel teach or suggest the above-recited features of amended dependent claims 14 and 42.

The Examiner cites Ruiz, page 6 as teaching “observations’ based on size such as number of lines of source code and measurement functions used for producing a metric.” Office Action dated December 17, 2008, page 14. However, Ruiz makes no reference to a system generating report scripts for producing reports. Therefore, Ruiz does not teach or suggest the above-recited features of amended dependent claims 14 and 42 either.

Therefore, the rejection of claims 8-15, 18-20, 23, 24, 36-43, 46-48, 51, and 52 under 35 U.S.C. § 103(a) has been overcome.

XII. 35 U.S.C. § 103, Obviousness, 25-28, 53-56, 60, 63, 66, 69, 72, and 75

The Examiner rejects claims 25-28, 53-56, 60, 63, 66, 69, 72, and 75 under 35 U.S.C. §103(a) as allegedly being unpatentable over Halbout, in view of Wachtel, and in view of Ruiz as applied to claims 21 and 49 above, and further in view of *Ruffin*, U.S. Patent No. 6,219,654 (“Ruffin”). This rejection is respectfully traversed.

As shown in Section X above, the combination of Halbout, Wachtel, and Ruiz does not teach or suggest all claim limitations as recited in amended independent claims 1, 16, 21, 29, 44, and 49 of the present invention. These recited claim limitations not taught or suggested by the Halbout, Wachtel, and Ruiz references in Section X above, also are not taught or suggested by the Ruffin reference nor does the Examiner cite to any section of the Ruffin reference that allegedly does so. The Examiner only relies on the Ruffin reference as teaching “...a method for

performing cost analysis of an information technology implementation that incorporates the value of the *number of users*...and the *number of features*...to compute a metric,” with regard to the limitations recited in claims 25, 26, 53, and 54. Office Action dated December 17, 2008, page 16. Therefore, the Ruffin reference fails to cure the deficiencies of the Halbout, Wachtel, and Ruiz references.

As a result, the combination of Halbout, Wachtel, Ruiz, and Ruffin does not teach or suggest all features recited in amended independent claims 1, 16, 21, 29, 44, and 49. Thus, amended independent claims 1, 16, 21, 29, 44, and 49 are in condition for allowance. Claims 25-28, 53-56, 60, 63, 66, 69, 72, and 75 are dependent claims depending on independent claims 1, 16, 21, 29, 44, and 49. Consequently, claims 25-28, 53-56, 60, 63, 66, 69, 72, and 75 also are allowable, at least by virtue of their dependence on allowable claims. Furthermore, these dependent claims also contain additional features not taught by Halbout, Wachtel, Ruiz, and Ruffin.

For example, amended dependent claim 60, which is representative of amended dependent claims 63, 66, 69, 72, and 75 with regard to similarly recited subject matter, recites “...limiting the complexity of the enterprise information resource management system to a specified limit by restricting the quantities of the asset constructs, the mapping constructs, and the model constructs.” Applicants agree with the Examiner that “[n]either Halbout nor Wachtel specifically teach *limiting the complexity of the enterprise information resource management system to a specified limit by restricting the quantities C_{ASSET}, C_{MAPPING}, and C_{MODEL}...*” Office Action dated December 17, 2008, page 17. Therefore, neither Halbout nor Wachtel teach or suggest the above-recited features of amended dependent claims 60, 63, 66, 69, 72, and 75.

The Examiner cites Ruiz, page 11 as teaching “...restricting values to certain specified ranges pertaining to an ontology measurement...” Office Action dated December 17, 2008, page 17. However, as shown in Section X above, Ruiz does not teach or suggest “calculating...a metric of complexity for the enterprise information resource management system having a maximum capacity corresponding to a sum of the quantity of asset constructs, the quantity of mapping constructs, and the quantity of model constructs, wherein the metric of complexity is calculated based on a function value of the quantity of asset constructs, the quantity of mapping constructs, and the quantity of model constructs and specified additional parameters” as recited in amended independent claim 1. Consequently, Ruiz cannot teach or suggest “...limiting the

complexity of the enterprise information resource management system to a specified limit by restricting the quantities of the asset constructs, the mapping constructs, and the model constructs” as recited in amended dependent claim 60. Therefore, Ruiz does not teach or suggest the above-recited features of amended dependent claims 60, 63, 66, 69, 72, and 75 either.

The “...Examiner takes **Official Notice** that it is old and well-known as well as common place in the computational sciences to restrict values of certain variables and data so as to render computations based thereon as meaningful and to otherwise ensure data integrity.” Office Action dated December 17, 2008, page 17. Applicants respectfully traverse the Official Notice and request that the Examiner provide either a prior art reference or an affidavit in support of the Official Notice.

Applicants respectfully submit that limiting the complexity of the enterprise information resource management system to a specified limit by restricting the quantities of the asset constructs, the mapping constructs, and the model constructs as recited in amended claim 60 was not common knowledge at the time of the present invention because this was a problem with the prior art that Applicants were endeavoring to solve. In other words, Applicants were limiting the complexity of the system by restricting the quantity of asset constructs required to represent the enterprise data assets, the quantity of mapping constructs required to represent the mappings between the enterprise data assets and the ontology model, and the quantity of model constructs required to generate the ontology model to overcome problems associated with the prior art in determining a price for licensing software. As discussed above, the prior art references cited by the Examiner do not teach or suggest these recited features. Therefore, Applicants traverse the Official Notice and respectfully submit that these features were not old and well-known at the time of the present invention.

Therefore, the rejection of claims 25-28, 53-56, 60, 63, 66, 69, 72, and 75 under 35 U.S.C. § 103(a) has been overcome.

XIII. 35 U.S.C. § 103, Obviousness, 61, 62, 64, 65, 67, 68, 70, 71, 73, 74, 76, and 77

The Examiner rejects claims 61, 62, 64, 65, 67, 68, 70, 71, 73, 74, 76, and 77 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Halbout, in view of Wachtel, and in view of Ruiz as applied to claims 60, 63, 66, 69, 72, and 75 above, and further in view of *Raiz et al.*, U.S. Patent No. 7,278,164 (“Raiz”). This rejection is respectfully traversed.

As shown in Section X above, the combination of Halbout, Wachtel, and Ruiz does not teach or suggest all claim limitations as recited in amended independent claims 1, 16, 21, 29, 44, and 49 of the present invention. These recited claim limitations not taught or suggested by the Halbout, Wachtel, and Ruiz references in Section X above, also are not taught or suggested by the Raiz reference nor does the Examiner cite to any section of the Raiz reference that allegedly does so. The Examiner only relies on the Raiz reference as teaching “...how license keys in conjunction with business rules determine the total number of users or limited validity period or with restricted functionality or capabilities,” with regard to the limitations recited in claims 61, 64, 67, 70, 73, and 76. Office Action dated December 17, 2008, pages 17-18. Therefore, the Raiz reference fails to cure the deficiencies of the Halbout, Wachtel, and Ruiz references.

As a result, the combination of Halbout, Wachtel, Ruiz, and Raiz does not teach or suggest all features recited in amended independent claims 1, 16, 21, 29, 44, and 49. Thus, amended independent claims 1, 16, 21, 29, 44, and 49 are in condition for allowance. Claims 61, 62, 64, 65, 67, 68, 70, 71, 73, 74, 76, and 77 are dependent claims depending on independent claims 1, 16, 21, 29, 44, and 49. Consequently, claims 61, 62, 64, 65, 67, 68, 70, 71, 73, 74, 76, and 77 also are allowable, at least by virtue of their dependence on allowable claims. Furthermore, these dependent claims also contain additional features not taught by Halbout, Wachtel, Ruiz, and Raiz.

Therefore, the rejection of claims 61, 62, 64, 65, 67, 68, 70, 71, 73, 74, 76, and 77 under 35 U.S.C. § 103(a) has been overcome.

XIV. Conclusion

It is respectfully urged that the subject application is patentable over the cited prior art references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: March 10, 2009

Respectfully submitted,

/Peter B. Manzo/

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Annotated Sheet

10/821,464

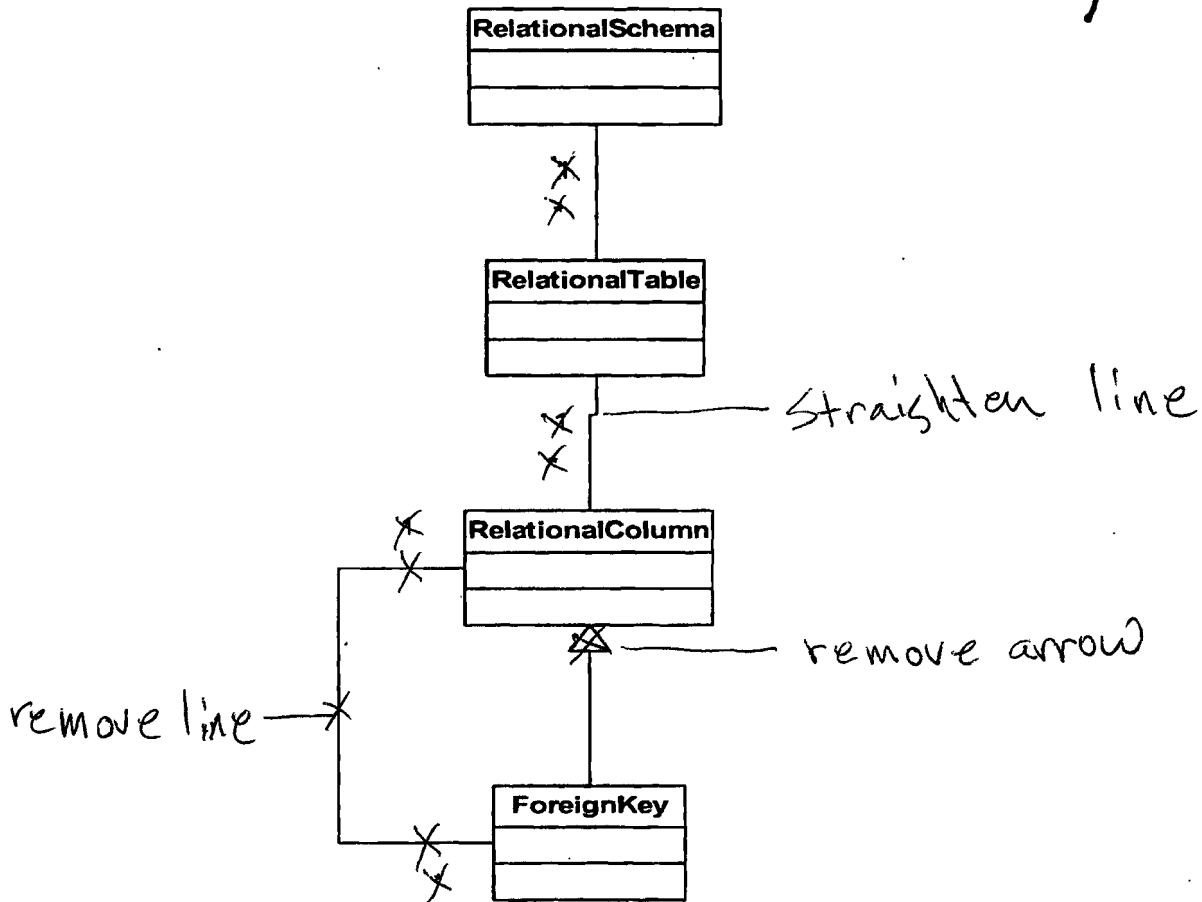


FIG. 3